UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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UNITED STATES OF AMERICA,

CASE NO. 4:07-CR-00629

Plaintiff,

.

v. : OPINION & ORDER

[Resolving Doc. No. 25]

ZACHARY A. CROYLE,

.

Defendant.

:

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Zachary A. Croyle moves the Court to modify his sentence by releasing him early from his 120-month incarceration so that he can assist his ailing mother. [Doc. 25.]

Section 3582(c)(1) limits a court's power to modify a defendant's prison sentence to two situations: (1) upon motion of the Director of the Bureau of Prisons, or (2) for clear error or due to the defendant's substantial post-incarceration assistance under Federal Rule of Criminal Procedure

35. 18 U.S.C. § 3582(c)(1). Neither circumstance is present here. Croyle, not the BOP Director, made the sentence-reduction motion here. And Croyle does not allege clear error in his original sentence or that he has provided substantial assistance since being incarcerated.

Section 3582(c)(2) limits a court's power to modify a defendant's prison sentence to situations where a defendant has been sentenced based on range that has subsequently been lowered.

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18 U.S.C. § 3582(c)(2). That is not the case here.

The Court thus DENIES Croyle's sentence-reduction motion.

IT IS SO ORDERED.

Dated: March 16, 2011 <u>s/ James S. Gwin</u>

JAMES S. GWIN UNITED STATES DISTRICT JUDGE